

THE

# STROOCK & STROOCK & LAVAN LLP

180 MAIDEN LANE

NEW YORK, NY 10038-4982

VOICE: (212) 806-5400 FAX: (212) 806-6006

Date:

June 7, 2000

FROM:	Patricia Driscoll	ROOM NO.:	3617
SENDER'S PHONE:	(212) 806-6006	ATTY NO.:	1778
SENDER'S E-MAIL:	phorras@stroock.com	CL/MAT NO.:	448563/163
CLIENT/MATTER NAME	:		
TOTAL NO. OF PAGES:	16		

#### PLEASE DELIVER AS SOON AS POSSIBLE TO:

-		Recipient	Company/Address	Fax No.	Phone No.	
卜	1.	Carol Barnes	Missing Parts	703-306-4003		L

#### **COMMENTS**:

RE: Appln. Serial No. 09/312,073

Dear Ms. Barnes:

Pursuant to a conversation I had with you earlier today, attached is a copy of the Notice of Abandonment, the postcard stamped by the mailroom on 8/9/99 with the first class mail stamp; Communication Filing Signed Declaration and executed Declaration. This should meet all filing requirements. Please contact me at the number listed above if there are any questions or problems with the above file.

Sincerely,

Patricia Driscoll

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL, AND IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL NAMED ABOVE AND OTHERS WHO HAVE BEEN SPECIFICALLY AUTHORIZED TO RECEIVE SUCH. IF THE RECIPIENT IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF ANY PROBLEMS OCCUR WITH THIS TRANSMISSION, PLEASE NOTIFY US BY TELEPHONE AT (212) 806-6102/6166/6448.

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## UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address; COMMISSIONER OF PATENT AND TRADEMARKS Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY, DOCKET NO./TITLE
09/312,073	05/13/1999	MINORU USUI	448563/163

LAWRENCE ROSENTHAL STROOCK & STROOCK & LAVAN LLP 180 MAIDEN LANE NEW YORK, NY 10038

Date Mailed: 05/19/2000

#### NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 06/09/1999.

No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(I); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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5/19/00 0:35 AM



Docket No. 448563/163 LR:ph

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

Minoru Usui et al.

Serial No.

09/312,073

Art Unit: 2853

Filed

May 13, 1999

For

FOR CARTRIDGE **INK** 

INK-JET PRINTING

**APPARATUS** 

August 5, 1999

### COMMUNICATION FILING SIGNED COPY OF DECLARATION IN RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED AND SURCHARGE AUTHORIZATION

Assistant Commissioner for Patents Washington, D.C. 20231 Attn: Box Missing Parts

Sir:

In response to the Notice to File Missing Parts of Application Filing Date Granted, mailed June 9, 1999, a copy of which is annexed hereto, Applicant submits a Declaration executed by Minoru Usui, Satoshi Shinada, Takahiro Naka, Hisashi Miyazawa, Takeo Seino, Hisashi Koike, Takao Kobayashi, Masahiro Kanai, Yasuko Hirano, Yasushi Akatsuka, Takayuki Iijima, Noriaki Okazawa, Hitoshi Matsumoto and Yasuhiro Ogura.

Kindly enter the accompanying executed Declaration, which refers to the Application Serial No. 09/312,073, filed on May 13, 1999, in the application.

> C rtificate of Mailing (37 C.F.R. 1.8) I hereby certify that this correspondence is being d posited with the United States Postal Service with sufficient postage as first class mail in an env lope addressed to: Assistant Commissioner for Pat nts, Washington, D.C. 20231, n (Date) \_\_\_\_\_\_August 5, 1999 Typed or printed name of person signing this certificate:

_	Patricia Driscoll	
Signature:	Patricia Driscoll	Discore_

The Commissioner is hereby authorized to charge the surcharge for filing the Declaration, authorized in the accompanying Fee Transmittal.

Applicant submits that the filing of the executed Declaration and payment of the surcharge which is authorized herein completes the filing requirements in connection with this application. If any issues remain which prevent the enclosed Declaration from being entered, it is requested that the undersigned attorney be notified in an effort to resolve such issues.

Early and favorable action in connection with this application is earnestly solicited.

Respectfully submitted,

Lawrence Rosenthal

Registration No. 24,377

Attorney for Applicant

STROOCK & STROOCK & LAVAN LLP

180 Maiden Lane

New York, New York 10038

(212) 806-5400

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Attorney's Ref. No.:

#### Sciko Epson Rcf. No.: F004286US/TP

### Declaration and P wer f Attorney F r Patent Application

#### 特許出願宣言書及び委任状

#### Japanese Languag Declarati n

#### 日本語宣言書

下記の氏名の発明者として、私は以下の通り宣言します。

As a below named inventor, I hereby declare that

私の住所、私書箱、国籍は、下記の私の氏名の後に記載された 通りです。

My residence, post office address and citizenship are ac stated next to my name.

下記の名称の発明に関して競求範囲に記載され、特許出願して いる免明内容について、私が最初かつ唯一の発明者(下記の氏名 が一つの場合)もしくは最初かつ共同発明者であると(下記の名 称が複数の場合)信じています。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

#### インクジェット記録装置用インクカートリッジ

INK GARTRIDGE FOR INK-JET PRINTING APPARATUS

上記免明の明細書(下記の櫃で×印がついていない場合は、本 書に添付)は、

the specification of which is attached hereto unless the following box is checked

図 1999年5月18日に提出され、米国出願番号または 特許協定条約 国際出願者号を 09/312,073 とし、 (該当する場合) \_\_\_\_ に以止されました。

was filed on May 13, 1999 as United States Application Number or PCT International Application Number > 09/312,073 and was amended on (if applicable).

を理解していることをここに表明します。

私は、特許請求範囲を含む上記訂正後の明細書を検討し、内容 I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第37編第1条56項に定義されるとおり、 特許資格の有無について重要な情報を関示する義務があることを 認めます。

I acknowledge the duty to disclose information which is material to patentability as defined in Titlo 37. Code of Federal Regulations, Section 1.56.

#### Page lof [1

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Aby comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents and Trademarks. Washington, DC 20231.

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#### Japan se Languag Declaration

(日本語宣言書)

私は、米国法典第35級119条(a)-(d)頃×は365条 (6)項に基き下記の、米国以外の国の少なくとも1ヶ回を指定し ている特許協力条約365条(a)項に基づく国際出顧、又は外国 での特許出願もしくは発明者証の出額についての外国優先権をこ こに主張するとともに、優先権を主張している、本出顧の前に出 願された特許または発明者証の外国出願を以下に、枠内をマーク することで、示しています。

条に基づき、罰金または拘禁、もしくはその両方により処罰され

ること、そしてそのような故意による虚偽の声明を行なえば、出

顧した、文は既に許可された特許の有効性が失われることを認識

し、よってここに上記のごとく玄響を致します。

I hereby claim foreign priority under I tile 35, United States Gode, Section 119 (a)-(d) or 305(b) of any fureign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by chooking the box, any foreign application for natent or inventor's certificate, or PCT International application

statements and the like so made are punishable by fine or

Imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may

jeopardize the validity of the application or any patent issued

Prior Foreign Application(s) 外国での先行出顧		having a filing date before that of its claimed.	f the application on which priority Priority Not Claimed 優先権主張なし
Hei. 10-130630	Japan	13/May/1998	
(Number)	(Country)	(Day/Month/Year Filed)	<b></b>
(番号)	(图名)	(山類年月日)	
Hei. 10-130631	Japan	13/May/1998	
(Number)	(Country)	(Day/Month/Year Filed)	
(番号)	(国名)	(出額年月日)	
私は、第35編米国法典11	l 9条(ε)項に基いて下配の米団特		er litle 33, United States Code,
許出願規定に記載された権利を	ここに主張いたします。		States provisional application(s)
(Application No.)	(Filing Date)	(Application No.)	(Filing Datc)
(出願番号)	(出願日)	(出願番号)	(出顧日)
出題に記載された権利、又は365条(c)に基づく権利をこと 設求範囲の内容が米国決典第5 条約で規定された方法で先行い限り、その先行米国出額割 たは特許協力条約国際提出日	目120条に基いて下記の米国特許 ド国を指定している特許協力条約3 にに主張します。また、本出版所の名 35編112条第1阳別でれて以ばれている 24日以降で本出版に関示されて、四内 を出日以降で本出版者の日本、近 はでの期間中に入于された、近 が設立しています。	Section 120 of any United State PCT International application listed below and, insofar as the claims of this application is no States or PCT International as by the first paragraph of Title 112, I acknowledge the duty material to patentability as def Regulations, Section 1.56 whice	er Title 35, United States Code, as application(s), or 365 (c) of any designating the United States, as subject matter of each of the ot disclosed in the prior United aplication in the manner provided 35, United States Oode, Section to disclose information which is ined in Title 37, Code of Federal h became available between the attorn and the national or PCT cation:
(Application No.)	(Filing Date)	(Status: Patented P	
(出顧答号)	(出駅日)	(現況:特許許可持	
裏実であり、かつ私が入手した 表明が全て真実であると信じ	(Filing Date) (出限日) いて本宜言書中で私が行なう表明がた情報と私の信じるところに基づくていること、さらに故琢になされた	knowledge are true and that all and belief are believed to b	

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ること、そしてそのような故意による虚偽の声明を行なえば、出

額した、又は既に許可された特許の有効性が失われることを認識

し、よってここに上記のごとく宜誓を致します。

I hereby claim foreign priority under Title 35, United States Code, Section 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 385(a) of any PGT International application which designated at least one country other than the United States. listed below and have also identified below, by checking the box, any foreign application for patent or inventor's contificate, or PCT International applica

statements and the like so made are punishable by fine or

imprisanment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may

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		having a filing date before that o	f the application on which priority
Prior Foreign Application(s) 外国での先行出版	•	is claimed.	Priority Not Claimed 優先降主張なし
Hei. 10-131483	Japan	14/May/1998	11
(Number) (番号)	(Country) (国名)	(Day/Month/Year Filed) (出願年月日)	_
Hei. 10-175340	Japan	09/June/1998	П
(Number) (番号)	(Country) (國名)	(Day/Month/Year Filed) (出顧年月日)	<b>_</b>
私は、第35編米国法典11 許出願規定に記載された権利を	8条(e)項に基いて下記の米国特 ここに主張いたします。	•	er Tide 35, United States Code States provisional application(s)
(Application No.) (出願番号)	(Filing Date) (出版日)	(Application No.) (出願番号)	(Filing Date) (出願口)
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(Application No.) (出級香寸)	(Filing Date) (出配日)	(Status: Patanted, Pe (現況:特許許可洛、	<u>-</u>
実実であり、かつ私が人手した 表明が全て真実であると信じて	(Filing Date) (出版日) て本性台書中で私が行なう表明が 情報と私の信じるところに基づく いること、さらに故意になされた 為は米国汝典第18編第1001	knowledge are true and that all and belief are believed to be	- · ·

thereon.

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# Japanese Language Declaration (日本語宣官書)

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虚偽の変明及びそれと同等の行為は米国法典第18編第1001

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ること、そしてそのような故意による虚偽の声明を行なえば、出

顧した、又は既に許可された特許の有効性が失われることを認識

し、よってここに上記のごとく宜舊を致します。

I hereby claim foreign priority under Title 35, United States Code, Section 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing data before that of the application on which priority is claimed.

statements were made with the browledge that willful false

statements and the like so made are punishable by fine or

imprisonment, or both, under Section 1001 of Title 18 of the

United States Gode and that such willful false statements may

jeopardize the validity of the application or any patent issued

		having a filing date before that	, or PCT International application of the application on which priority
Prior Foreign Application(s) 外国での先行出版		is claimed.	Priority Not Claimed 優先催主張なし
Hei. 11-22036	Japan	29/January/1999	
(Number) (番号)	(Country) (函名)	(Day/Month/Year Filed) (出版年月日)	
Hei. 11-23300	Japan	29/January/1999	·
(Number) (番号)	(Country) (因名)	(Day/Month/Year Filed) (出級年月日)	
私は、第35編米国法典11 許出願規定に記載された権利を:	9 柴( ε ) 項に差いて下記の米国 ここに主張いたします。	713	er Title 35, United States Code, States provisional application(s)
(Application No.) (出願番号)	(Filing Date) (出版日)	(Application No.) (出颐番号)	(Filing Date) (出顧日)
私は下記の米国法典第36編出版に記載された権利、义は米66条(c)に基づく権利をここ 翻求範囲の内容が米国法典第3条約で規定された方法で先行すい限り、その先行米国川殿書提には特許協力条約回際提出日ま則決無第37編1条56項で定重要な情報について関示義務が	に主張します。また、本出版の 5編112条第1項又は特許協 3米国特許出版に明示されてい 出日以降で本出版書の日本国内 での期間中に入于された、連邦 義された特許資格の右無に関す	Bection 120 of any United State PCT International application      listed below end, insofar as the     claims of this application is n      States or PCT International apply the first paragraph of Title     112, I soknowledge the duty material to patentability as det Regulations, Section 1.56 while	er Title 35, United States Code, as application(s), or 365 (c) of any designating the United States, e subject matter of each of the ot disclosed in the prior United obligation in the manner provided 35, United States Code, Section to disclose information which is fined in Title 37, Code of Federal th became available between the pation and the national or PCT cation:
(Application No.) (出顧番号)	(Filing Date) (出願日)	(Status: Patented, P 张原哲语符:张思)	
(Application Nn.) (出原番号) 私は、私自身の知識に基づい 真実であり、かつ私が入手した。 表明が全て真実であると信じて		knowledge are true and that all	•

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#### Japan se Languag Declarati n (日本語宣言哲)

委任佚: 私は、下記の免明者として、本出願に関する一切の手 FOWER OF ATTORNEY: As a named inventor. I hereby appoint the 及び登録番号を明記のこと)

Lawrence Rosenthal (Reg. 21,377) Steven B. Pokotilow (Reg. 26,405) Howard M. Gitten (Reg. 32,138) Matthew W. Siegel, (Reg. 32,841)

続きを半特許商協局に対して遅行する弁理士または代理人とし following attorney(s) and/or agent(s) to prosecute this application て、下記の者を指名いたします。(弁護士、または代理人の氏名 and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Lawrence Rosenthal (Reg. 24,377) Steven B. Pokotilow (Reg. 26,405) Howard M. Gitten (Reg. 32,138) Matthew W. Siegal, (Reg. 32.941)

書類送付先:	Send Correspondence to:
STROOCK & STROOCK & LAVAN LLP	STROOCK & STROOCK & LAVAN LLP
180 Maiden Lane	180 Maiden Lane
New York, NY 10038-4982	New York, NY 10038-4982
直接電話連絡先:(名前及び電話番号)	Direct Telephone Calls to: (name and telephone number)
STROOCK & STROOCK & LAVAN LLP	STROOCK & STROOCK & LAVAN LLP
(212) 806–5400	(212) 806-5400
唯一または第一発明者名	Full name of cole or first inventor
<b>催升 総</b>	Minoru USUI
発明者の著名 di CA FI付	Inventor's signature Dato
76-7 % 1999年7月23日	Minora Usui July 23, 1999
住所	Residence
日本団、 長野県 ,	Nagano , Japan
国籍	Citizenship
日本	Japan
私書箱	Post Office Address
392-6502 日本国長野県諏訪市大和3丁日3番6号 セイコーエブソン株式会社内	c/o Selko Epson Corporation
CIA TOTOMATEUR	3-5, Owa 3-chonie, Suwa-shi, Nagano-ken 392-8502 Japan
第二共同轮明者	Full name of second joint inventor, if any
品田 铑	Satoshi SHINADA
第二共同発明者の署名 日付	Second inventor's signature Date
<b>公田 於 /999</b> 其/月≥3日	Satochi Shinada . T. ly =3. 1999
住所	Residence
日本国、 長野県 ,	Nagano , Japan
<b>国</b> 籍	Citizenship
<b>日本</b>	Japan
	Post Office Address
392-8502 日本国長野県諏訪市大和3丁自3番5号 セイコーエブソン株式会社内	u/o Seiko Epson Corporation
ピュューニノノノ体及を位内	8-5, Owa 3-chome, Suwa shi, Naganu-ken 992-8502 Japan
,	
(第三以降の共同発明者についても同様に記載し、署名をするこ	(Supply similar information and signature for third and subsequent
٤)	joint inventors.)

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#### Japanese Languag Declaration (日本語宣言書)

委任状: 私は、下記の発明者として、本出願に関する一切の手 POWER OF ATTORNEY: As a named inventor, I hereby appoint the 続きを米特許商標局に対して遂行する弁理士または代理人とし て、下記の者を指名いたします。(弁護士、または代理人の氏名 及び登録番号を明記のこと)

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Japan se Language Declaration

# (日本語宜言書)

委任状: 私は、下記の発明者として、本山順に関する一切の手 POWER OF ATTORNEY: As a named inventor, I hereby appoint the 続きを米特許商標局に対して遂行する弁理士または代理人とし て、下記の者を指名いたします。(弁護士、または代理人の氏名 及び登録番号を明記のこと)

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